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Washington, D.C. 20231,
on December 8, 1998

TOWNSEND and TOWNSEND and CREW, LLP

By Sherry Barton

PATENT
Attorney Docket No. 02307O-068910

#19 12/19/98 TGray

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GRAY, COLLINS, HWANG, GODFREY, KOWBEL, and ROMMENS

Application No.: 08/731,499

Filed: October 16., 1996

For: GENES FROM THE 20q13 AMPLICON AND THEIR USES

Examiner: S. Ungar

Art Unit: 1642

DECLARATION OF JOE W. GRAY, COLLIN COLLINS, SOO-IN HWANG, TONY GODFREY, DAVID KOWBEL, AND JOHANNA ROMMENS UNDER 35 U.S.C. §1.131

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

We, Joe W. Gray, Collin Collins, Soo-in Hwang, Tony Godfrey, David Kowbel, and Johanna Rommens are the named and true inventors of the subject matter disclosed and claimed in the above-referenced patent application.

We conceived of and reduced to practice the claimed invention in the United States ***prior to*** April 23, 1996. The attached Exhibits A, B, and C provide evidence of the conception of the invention and its reduction to practice.

The present invention relates, *inter alia*, to a nucleic acid encoding a ZABC1 ORF that is, for convenience referred to herein simply as ZABC1. Exhibit A, with dates redacted therefrom, was generated ***prior to*** April 23, 1996 in the United States of America and shows an electrophoretic gel of clones containing cDNA sequences of ZABC1. In particular, it is noted that the clones designated BTS3A-E8 and BTS3B-E12 contain ZABC1 cDNA sequences.

Exhibit.B, with dates redacted therefrom was generated ***prior to*** April 23, 1996 in the United States of America and shows a Southern Blot of a contig containing the full-length ZabC1 gene probed with a ZabC1 cDNA clone showing that the ZabC1 nucleic acid sequence was isolated and readily detectable.

Exhibit C, with dates redacted therefrom was generated ***prior to*** April 23, 1996 in the United States of America and shows a trace produced by an Applied Biosystems automated nucleic acid sequencer (Model 373A). This trace, generated by automated sequencing of clone BTS3B-E12 shows that the cDNA clones used to probe the contig containing the full-length ZabC1 were indeed ZabC1 clones and would specifically bind to the ZabC1 gene in the Southern Hybridization.

In view of the foregoing, we respectfully submit that Exhibits A, B, and C unequivocally establishes that the claimed invention was conceived of and reduced to practice ***prior to*** April 23, 1996.

We further declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: _____ _____

Joe W. Gray

Dated: _____ _____

Collin Collins

Dated: _____ _____

Soo-in Hwang

Dated: _____ _____

Tony Godfrey

Dated: _____ _____

David Kowbel

Dated: _____ _____

Johanna Rommens

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